

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF APPEALS

Re Application: ELECTRONIC BALLAST CATHODE HEATING CIRCUIT
Inventor: Ole K. Nilssen
Serial Number: 07/579,569
Filing Date: 09/10/90

Art Unit: 2500-251
Examiner: SON DINH

Applicant's Phone Number: 708-658-5615

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SUPPLEMENTAL REPLY BRIEF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

In response to the SUPPLEMENTAL EXAMINER'S ANSWER dated 12/20/93, Applicant provides a Supplemental Reply Brief in the form of the following remarks.

REMARKS

Re Claims 28-29

Examiner rejected claims 28-29 under 35 USC 103 as being unpatentable over Pitel, Cox and Nilssen (285).

Applicant traverses these rejections for the following reasons.

(a) In support of his rejection, Examiner merely states that:

"Nilssen (285) shows that the use of voltage doubler capacitors coupled to a rectifier so as to provide a DC voltage having magnitude higher than the peak absolute magnitude of the power line voltage to an inverter is well known in the art. Thus,

it would have been obvious ... to modify Pitel and Cox by using voltage double capacitors ... so as to provide a source of DC voltage which has an absolute magnitudw higher than the [eak absolute magnitude ... of the power line voltage".

That is, Examiner takes the position that merely because it was well known to use a voltage doubler it would have been obvious to use a voltage doubler in combination with some very particular combination of the teachings of Pitel and Cox.

Clearly, to use a voltage doubler instead of some other form of DC source for powering a certain load can not -- by a rational human being -- be considered obvious merely because a voltage doubler is a well known entity.

Instead, in a given situation, to substitute a voltage doubler for some other (non-voltage-doubling) DC source already specified would have to result in some sort of benefit. Otherwies, why would a rational person consider such substitution?

(b) Nilssen (285) pertains to a very special type of gas discharge lamp ballast; namely, it pertains to a ballast wherein the gas discharge lamp is powered with unidirectional current. On the other hand, the ballasts of Pitel and Cox (as well as the one defined by claims 28-29) pertain to a ballast type wherein the gas discharge lamp is powered with alternating current. Thus, while there is clear reason for using voltage doubling in the ballast of Nilssen (285), there is no reason whatsoever for using voltage doubling in the ballasts of Pitel and/or Cox.

(c) The priority date of the invention defined by claims 28-29 is 08/14/80. Yet, Nilssen (285) issued on 07/31/84; which -- since Nilssen and Applicant are one and the same -- means that Nilssen (285) may not be used as a reference against Applicant claims 28-29.

That is, all of the features of claims 28-29 were disclosed in Applicant's ancestor application Serial No. 06/178,107 filed 08/14/80.



Ole K. Nilssen, Pro Se Applicant